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January 13, 1999

Ms. Magalie Roman Salas, Secretary
Federal Communications Commission
445-Twelfth St. SW
TW- A 325
Washington, D.C. 20554

Re: Petition for Rule
Making
New FM Channel 260C3
Somerton, Arizona

Dear Ms. Salas:

Enclosed please find an original and five (5) copies of a Petition for Rule Making, filed on behalf of L. Topaz Enterprises, Inc., requesting the allotment of FM Channel 260C3 (99.9 MHz) to Somerton, Arizona as that community's first local FM service.

If this proposal is ultimately adopted, L. Topaz Enterprises, Inc., will promptly apply for authority to construct and operate a new station on the proposed channel.

An additional copy of this letter is enclosed. Please date-stamp and return to me in the enclosed postage-paid envelope.

If you have any questions, please call: 1-608-831-8708.

Thank you.

Enclosures:

cc: John A. Karousos
Chief, Allocations Branch

sent via certified mail

Respectfully submitted,

Dale A. Ganske

Dale A. Ganske, President
L. Topaz Enterprises, Inc.
3325 Conservancy Lane
Middleton, Wi. 53562

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<u>City</u>	<u>Channel Numbers</u>	
	<u>Present</u>	<u>Proposed</u>
Somerton, Arizona	----	260C3

In support of this proposal, the following information is herewith submitted for consideration:

Somerton is an incorporated community located in Yuma County in southwestern Arizona, approximately 265 kilometers southwest of Phoenix, Arizona. The city population is 5,282 and the county population is 106,895 1/. Adoption of this proposal will provide Somerton with its first local FM broadcast service.

Attached hereto and made a part of this petition is a Technical Exhibit in support of the requested allotment. Based on the information contained therein, it appears that the requested channel could be allocated to Somerton, in full compliance with the minimum distance separation requirements of Section 73.207(b) of the Commission's Rules, provided a site-restriction approximately 13.8 kilometers east of the community were imposed.

If this proposal is adopted, Petitioner will promptly apply for authority to construct and operate a new FM broadcast station at Somerton, Arizona. If a construction permit is granted, Petitioner will promptly construct and operate the proposed station.

1/ Population figures from the 1990 U.S. Census.

In accordance with Section 1.52 of the Commission's Rules and Regulations, I hereby certify that I have examined the foregoing Petition for Rule Making and the attached Technical Exhibit and that both are true and correct to the best of my knowledge and belief.

WHEREFORE, it is respectfully requested that the instant petition be granted and that the FM Table of Allotments, Section 73.202(b), be amended as requested herein.

Respectfully submitted,

L. TOPAZ ENTERPRISES, INC.



Dale A. Ganske, President
3325 Conservancy Lane
Middleton, WI 53562
(608) 831-8708

by:

CONTEMPORARY COMMUNICATIONS



Larry G. Fuss, President
P.O. Box 1787
Cleveland, MS 38732
(601) 846-1787
(601) 843-0494 (Fax)

January 9, 1999



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TECHNICAL EXHIBIT

IN SUPPORT OF
PETITION FOR RULE MAKING
NEW FM - CHANNEL 260C3
SOMERTON, ARIZONA

L. TOPAZ ENTERPRISES, INC.

Prepared January 9, 1999

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TECHNICAL EXHIBIT

**IN SUPPORT OF
PETITION FOR RULE MAKING
NEW FM - CHANNEL 260C3
SOMERTON, ARIZONA**

L. TOPAZ ENTERPRISES, INC.

INTRODUCTION

This Technical Exhibit supports the petition of L. TOPAZ ENTERPRISES, INC., seeking to amend the FM Table of Allotments, Section 73.202(b) of the Rules, by allocating FM Channel 260C3 to Somerton, Arizona, as that community's first local FM channel.

ALLOCATION

A study was performed using the computerized **SEARCHFM** frequency search program and the current FCC/NTIS database to determine if Channel 260C3 could be allocated in compliance with the minimum distance separation requirements of Section 73.207(b) of the Commission's Rules. The study included all applicable co-channel, adjacent-channel and IF separations. The results of that study indicate that Channel 260C3 may be allocated to Somerton in full compliance with Section 73.207(b), provided a site-restriction approximately 13.8 kilometers east of the community were imposed.

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The "area-to-locate" for Channel 260C3 is indicated on Exhibit A, attached hereto. The exhibit depicts the required separation arcs from all pertinent co-channel and adjacent channel stations and allocations. As indicated, there is ample area in the vicinity of Somerton in which to locate a transmitter site. Assuming maximum Class C3 facilities (25 kw @ 100 meters above average terrain), a transmitter site at any location within the "area-to-locate" would enable the proposed station to provide adequate city-grade (70 dBu) coverage to the entire city, in full compliance with Section 73.315(a) and (b).

CONCLUSION

The proposed change in the table of allotments will not create a short-spacing to any existing station, pending application or vacant allotment, and will not require the reallocation of any station, pending application or vacant allotment.

A copy of the separation study for Channel 260C3 is attached hereto as Exhibit B and made a part of this report (only those stations and channels sufficiently close for concern are noted therein).

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CERTIFICATION

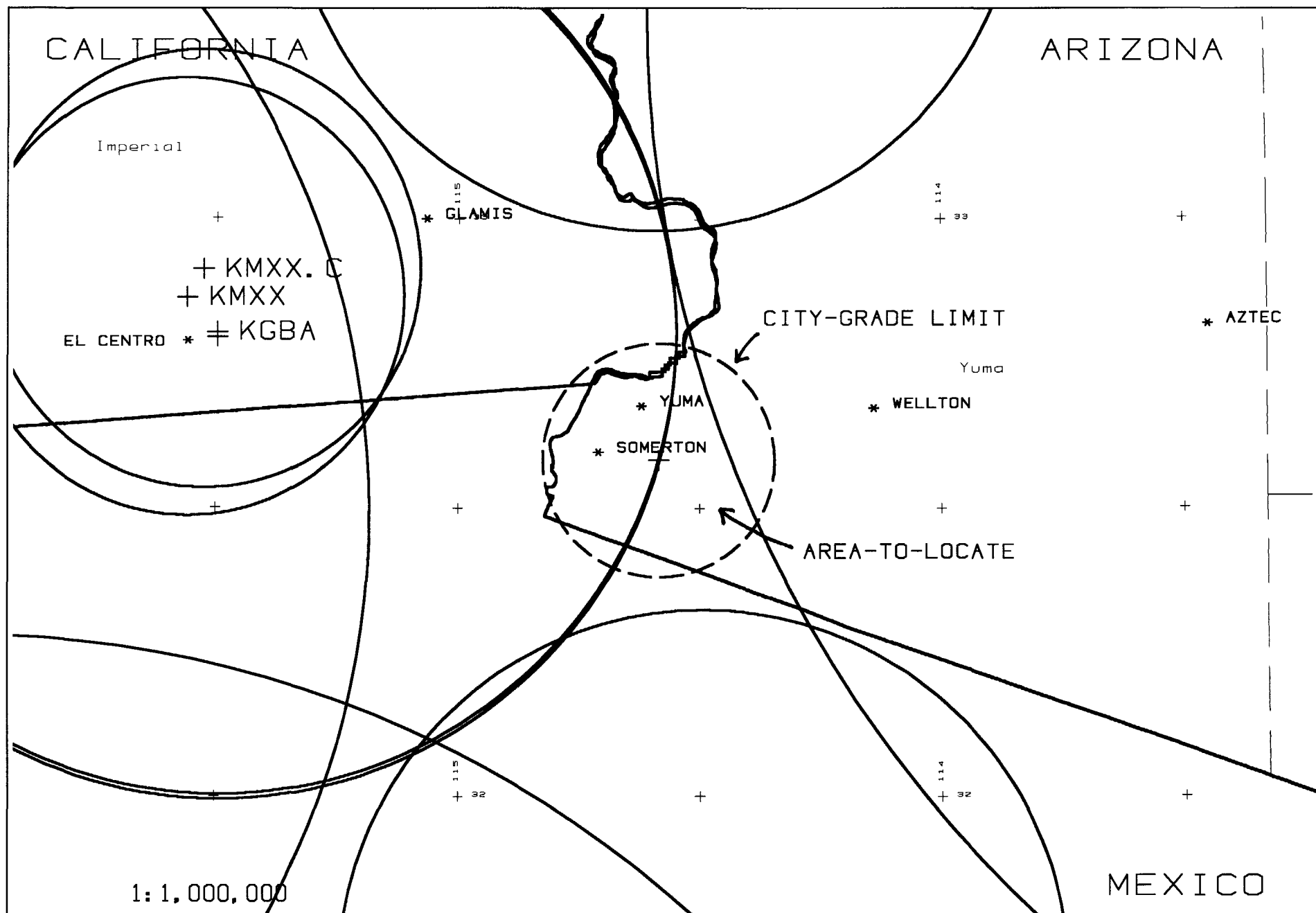
State of Mississippi)
) ss.
County of Bolivar)

I, Larry G. Fuss, do hereby certify as follows:

- 1) I am a qualified and experienced broadcast consultant. I have been actively involved in the broadcast industry since 1972 and currently hold a lifetime FCC General Class Radio Telephone License (License No. PG-8-8450).
- 2) I have prepared numerous applications and rule making petitions which have been accepted for filing with the Federal Communications Commission.
- 3) I have been retained by L. TOPAZ ENTERPRISES, INC., to prepare the attached Technical Exhibit.
- 4) The Technical Exhibit, of which this deposition is a part, and the measurements, calculations, studies and determinations upon which this report is based, were prepared by me or under my supervision and direction. All material contained therein is believed to be true and correct, to the best of my knowledge and belief.

Larry G. Fuss
Larry G. Fuss
Affiant

1/9/99
Date



AREA-TO-LOCATE - CH. 260C3
N. Lat. 32 35 00 W. Lng. 114 35 05

EXHIBIT A
SOMERTON, ARIZONA

CONTEMPORARY COMMUNICATIONS
BROADCAST CONSULTANTS

EXHIBIT B

SOMERTON ARIZONA
NEW FM DROP-IN SEARCH

REFERENCE		CLASS = C3	DISPLAY DATES
32 35 30 N			DATA 01-09-99
114 35 05 W		Current Spacings	SEARCH 01-09-99
----- Channel 260 - 99.9 MHz -----			

Call	Channel	Location	Dist	Azi	FCC	Margin
N. Lat.	W. Lng.	Power	HAAT			
KGBA.C CP	261A	Holtville	CA	88.55	285.0	89.0
32 47 40	115 29 53	M CN	3.000 kW	100 M		-0.45
		The Voice of International Ch	BPH980625ID	981030		
KGBA LI	261A	Holtville	CA	88.79	285.6	89.0
32 48 10	115 29 53	M CN	2.500 kW	101 M		-0.21
		The Voice of International Ch	BLH900725KD	960920		
KESZ LI	260C	Phoenix	AZ	249.78	70.0	237.0
33 20 01	112 03 44	M CY	100.000 kW	519 M		12.78
		Mac America Communications, I	BLH970324KD	970623		
AL263 AL	263B	El Golfo	SO	101.36	175.1	71.0
31 41 00	114 29 35	A	0.000 kW	0 M		30.36
				921004		
KJMBFM LI	262B	Blythe	CA	114.17	359.7	71.0
33 37 16	114 35 28	M HN	36.000 kW	17 M		43.17
		J.S. Mayson	BLH861209KB	970613		
KMXX.C CP	257A	Imperial	CA	95.22	292.2	42.0
32 54 40	115 31 40	M CN	6.000 kW	92 M		53.22
		Brawley Broadcasting Company	BPH960408IB	970714		
KMXX LI	257A	Imperial	CA	96.35	288.5	42.0
32 51 44	115 33 41	M CN	3.000 kW	61 M		54.35
		Brawley Broadcasting Company	BLH801020AA	961231		
AD259 AD	259C1	Tijuana	BN	216.99	267.2	161.0
32 28 26	116 53 44	A N	0.000 kW	0 M		55.99
				970519		
AL260 AL	260B	San Quintin	BN	280.36	208.7	211.0
30 22 16	115 59 10	A	0.000 kW	0 M		69.36
				921004		